

ATTACHMENT C
RESPONDENT(S) ARGUMENT(S)

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August 26, 2013

Board of Administration
California Public Employees' Retirement System
P O Box 942701
Sacramento, CA 94229-2701

SUBJECT RESPONDENT'S ARGUMENT

In the Matter of the Appeal Regarding Retirement Benefit Formula
and Overpayment by JOSEFINA LIMOS, Respondent, and CITY OF
OAKLAND, Respondent

Dear Sirs

I respectfully request the Board not to designate the decision as precedent, in whole or in part
when it is adopted

Respectfully yours,


JOSEFINA LIMOS

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California Public Employees' Retirement System
Legal Office
P O Box 942707
Sacramento CA 94229 2707
TTY (877) 249 7442
(916) 795-3675 phone (916) 795 3659 fax
www calpers ca gov

July 29, 2013

Ref No 2012-0580

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Josefina Limos

SUBJECT In the Matter of the Appeal Regarding Retirement Benefit Formula and Overpayment by JOSEFINA LIMOS, Respondent, and CITY OF OAKLAND, Respondent

Dear Ms Limos

This is to forward a photocopy of the Proposed Decision of the Administrative Law Judge in the above-named matter. In accordance with the Administrative Procedure Act, it has no force or effect until the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) takes formal action to either adopt it, remand it, or decline to adopt it in favor of its own decision.

Your appeal has been calendared for consideration by the Board at its regular meeting on September 18, 2013. **Although oral argument is not allowed, the parties may submit written argument for or against the Proposed Decision.**

As part of this argument, you may also ask the Board to designate the decision as **precedent**, in whole or in part, if it is adopted. The purpose of designating precedent is to provide guidance to the Board and other parties in future appeals, where the disputed law and issues are the same. This designation has no effect on the binding outcome of your appeal. CalPERS staff routinely submits written argument, and may make this same request of the Board. Or, the Board may choose to designate a given decision as precedent on its own motion. For this reason, although you are not required to take a position, if you have a preference against precedential status you should explain why in your written argument to the Board.

In deciding whether to designate precedent, the Board will always consider *Does the decision contain a significant legal or policy determination of general application that is likely to recur? Does it include a clear and complete analysis of the issues in sufficient detail so that interested parties can understand why the findings of fact were made, and how the law was applied?*

All precedential decisions will be **published** with a cumulative index, and made available free of charge on the CalPERS website. (<http://www.calpers.ca.gov>) They will also be available in "hard copy" upon written request to this office. Any precedential decision may be de-published at the request of an interested party, after an opportunity for public comment and at the sole discretion of the Board.

Your written argument should be no longer than six pages, and must be received by CalPERS no later than September 6, 2013. Please note, even if you miss this deadline the Board will still act on the Proposed Decision. All written argument will be included in the agenda item, and mailed simultaneously to the Board and all parties. Your argument will not be disclosed to the attorney assigned to this matter until then. Please redact personal information, as Respondent(s) Argument(s) become(s) a public document when included in the agenda item. **As mentioned earlier, parties will not be allowed to orally respond to the Board on the merits of written argument.** Please title your submission as "Respondent's Argument" and send it to

Cheree Swedensky, Assistant to the Board
CalPERS Executive Office
P O Box 942701
Sacramento, CA 94229-2701
FAX (916) 795-3972

If you have any questions about this procedure, you may contact Elizabeth Yelland, Senior Staff Attorney, at (916) 795-1101

Sincerely,



ALLYSON MCCAIN
Legal Office

Enclosure

cc City of Oakland